

804 KAR 5:070. Minors.

RELATES TO: KRS 244.080, 244.085, 244.090

STATUTORY AUTHORITY: KRS 241.060(1), 244.085(5)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction. Subject to certain exceptions in KRS 244.085, a licensee, or the licensee's agents, servants, or employees, cannot permit persons under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises. In addition to the statutorily exempted business types, KRS 244.085(5)(a) authorizes the board to exempt additional business types from the prohibition of KRS 244.085(5) if their operations permit them to adequately monitor and prevent alcohol sales to minors. This administrative regulation specifically identifies a list of additional business types exempted from KRS 244.085(5), and establishes requirements governing the presence of minors on licensed premises.

Section 1. Definitions. (1) "Barber shop" means an establishment licensed under KRS Chapter 317, at which the practice of barbering is conducted.

(2) "Bed and Breakfast" is defined by KRS 241.010(5).

(3) "Bowling alley" means a building containing several lanes for the sport of tenpin bowling.

(4) "Commercial airplane" means an airplane used by a commercial airlines system or charter flight system for regularly scheduled or charter flights.

(5) "Commercial airport" is defined by KRS 241.010(15).

(6) "Department store" means a retail establishment offering consumer goods for sale and including but not limited to clothing, furniture, jewelry, cosmetics, and other similar products.

(7) "Designated drinking area" means an area containing a bar, counter, or similar structure, where employees prepare and serve alcoholic beverages to customers, that is separated from the remainder of the premises by a barrier and that has no more than two (2) entrances and exits accessible from the remainder of premises. The designated drinking area may contain employee access by keyed entry and emergency exits equipped with crash bars.

(8) "Museum" means a building or place where works of art, scientific specimens, or other objects of cultural value are stored and exhibited.

(9) "Not-for-profit event" means an activity of limited duration organized and conducted by a charity or not-for-profit organization for fundraising or other purposes.

(10) "Organized civic or community-sponsored event" is defined by 804 KAR 4:250, Section 1.

(11) "Paint and Sip business" means a business that provides paid group painting lessons accompanied by alcoholic beverages.

(12) "Qualified historic site" is defined by KRS 241.010(47).

(13) "Riverboat" is defined by KRS 241.010(54).

(14) "Salon and Spa" means an establishment licensed under KRS Chapter 317A at which cosmetology, nail technology, or esthetic practices are conducted.

(15) "Train" means a railroad locomotive and cars used by a railroad system.

Section 2. Business Types that Can Adequately Monitor and Prevent Alcohol Sales to Minors. Pursuant to KRS 244.085(5)(a) and in addition to the business types identified in KRS 244.085(5)(a) and Section 3 of this administrative regulation, the board determines that the operations of the following specific business types allow them to adequately monitor and prevent alcohol sales to minors and that they may permit minors to remain on their licensed premises if operating as a:

- (1) Barber shop;
- (2) Bed and breakfast;
- (3) Bowling alley;
- (4) Charity conducting a not-for-profit event;
- (5) Commercial airplane;
- (6) Commercial airport;
- (7) Department store;
- (8) Museum;
- (9) Paint and sip business;
- (10) Qualified historic site;
- (11) Riverboat;
- (12) Salon and spa;
- (13) Train;
- (14) Vendor operating at an organized civic or community-sponsored event; or
- (15) Business whose alcoholic beverage sales do not exceed fifty (50) percent of its gross sales.

Section 3. Premises with Designated Drinking Areas. In addition to the businesses identified in KRS 244.085(5)(a) and Section 2 of this administrative regulation, a licensee may permit minors to remain on licensed premises where alcoholic beverages are sold by the drink or consumed if the licensee only conducts drink sales and permits consumption in a designated drinking area from which minors are excluded.

Section 4. Permissive Exclusion of Minors. Notwithstanding the provisions of KRS 244.085(5)(a) and Sections 2 and 3 of this administrative regulation, a licensee may exclude minors from parts or all of its premises.

Section 5. Minors on Premises Sign. Every licensee selling alcoholic beverages by the drink for consumption on premises where minors are prohibited, or in a designated drinking area where minors are prohibited, shall display at all times, in a prominent place near the entrance to the premises or designated drinking area where minors are prohibited, a printed card at least eight (8) inches x eleven (11) inches in size which shall read, in 100 point or larger type, substantially as follows: NO PERSONS UNDER 21 ALLOWED. (18 Ky.R. 3561; Am. 19 Ky.R. 424; 721; eff. 9-1-1992; 31 Ky.R. 625; 938; eff. 11-26-200; 44 Ky.R. 682, 936; eff. 12-1-2017.)